

## **REMARKS**

### Status of the Claims

Claims 1, 3-15, and 17-22 are currently pending. Claims 2 and 16 have been canceled without prejudice or disclaimer of the subject matter claimed therein.

### Amendments to the Claims

Claims 1 and 3 have been amended to correct a typographical error. The amendments to the claims do not add prohibited new matter.

### Restriction

Applicants elect with traverse Group I, claims 1, 3-15, and 18-21, drawn to a method for producing homogenous colloidal nanoparticles. Applicants respectfully traverse the restriction requirement as the alleged two inventions of Groups I and II possess a common technical feature. The invention of Group I is directed to methods of producing homogeneous colloidal nanoparticles and the invention of Group II is directed to cationic colloidal nanoparticles produced by the method of Group I. The common technical feature of the two inventions is cationic nanoparticles characterized by a narrow size distribution and a high degree of homogeneity. The cationic nanoparticles obtained by the methods of the invention of Group I have a higher degree of homogeneity of the components as compared to cationic nanoparticle compositions that are obtained by other methods (see, e.g., page 7, last paragraph to page 9, line 30, and Table 5 of the present application). Additionally, the nanoparticles of Group II are characterized by a narrow size distribution (see, e.g., pages 17-18 and Table 5 of the present application).

The Office Action alleges that U.S. Published Application 2006/0292183 discloses the common technical feature of the claimed inventions. Accordingly, the Office Action alleges that the common technical feature cannot be a special technical feature. It is respectfully submitted that U.S. Published Application 2006/0292183 does not disclose cationic nanoparticles characterized by a narrow size distribution and a high degree of homogeneity, the technical feature shared by the methods and products of the claims. Table 5 of the present invention provides a comparison of nanoparticles produced by the methods of the present invention as compared to other methods for producing nanoparticles in the art. Table 5, while not comparing

the method described in U.S. Published Application 2006/0292183, does demonstrate that the claimed method is superior to the other listed methods except for the combination of film method and subsequent extrusion. U.S. Published Application 2006/0292183 does not disclose either the claimed method or the combination of film method and subsequent extrusion. Accordingly, the nanoparticles produced by the claimed method possess features that distinguish them from nanoparticles produced by other methods. It is therefore respectfully requested that the invention of Group II be examined along with the invention of Group I.

Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicant respectfully requests entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, she is invited to telephone the undersigned at her convenience.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

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Respectfully submitted,  
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